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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,406	09/25/2003	Gayle Rosenberg		5038

7590

01/18/2005

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EXAMINER
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CASTELLANO, STEPHEN J

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 01/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/669,406

**Applicant(s)**

ROSENBERG ET AL.

**Examiner**

Stephen J. Castellano

**Art Unit**

3727

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☒ Claim(s) 6-9, 17, 19 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.                                                |

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The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the receptacles to enable another organizer to be affixed atop of said container as in claim 6, raised edges that are releasably engaged with each other as in claim 7, the guide slot and guide rib of claim 8, the raised serrated edge of claim 9 and the non-linear shape and curved outer boundaries of claim 20 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claims 6-9 and 20 are objected to because they do not show what is claimed, i.e., the receptacles to enable another organizer to be affixed atop of said container as in claim 6, raised edges that are releasably engaged with each other as in claim 7, the guide slot and guide rib of claim 8, the raised serrated edge of claim 9 and the non-linear shape and curved outer boundaries of claim 20. Claim 17 is objected to because no period appears, therefore, no sentence. Claim 19 is objected to because there is more than one period, therefore, more than one sentence. Only one sentence allowed per claim. Claim 19 is objected to because the reference numerals (or reference signs) are not provided within parenthesis.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-3, 5-14 and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Bidot.

Bidot discloses an organizer for use in a drawer to compartmentalize the drawer. The organizer includes individual element connected by wall panels that fit within slots, the elements are slidably nested together and each element has a planar bottom surface provided by a lower edge, the organizer can expand and contract in both the length and width directions to conform to drawer spaces of different size. Note that when the organizer length is smaller than the drawer inside length and the organizer width is smaller than the drawer inside width that the organizer is slidable within the drawer in both the length and width directions and that every element would also be slidable in the length and width directions.

Re claim 5, the organizer includes the elements in combination with the drawer.

Re claim 19, the fixed rectangular structure is the drawer with a floor and walls. Only the first sentence of claim 19 is being treated as claim 19 ends at the first period. The number “4” appearing in line 2 is treated as a reference numeral.

Claims 1-3, 6-17, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Wilk.

When Wilk is placed within a drawer that is longer and wider in internal dimensions than Wilk's respective length and width directions, Wilk is movable within the rectangular space in the length and width directions and each of its elements are movable in the length and width directions.

Claims 1, 4-9, 19 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosenberg et al.('425), Rosenberg et al.('961) and Rosenberg et al. ('433).

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When any one of the Rosenberg devices is placed within a drawer that is longer and wider in internal dimensions than Rosenberg's respective length and width directions, Rosenberg is movable within the rectangular space in the length and width directions and each of its elements are movable in the length and width directions.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bidot in view of Rosenberg et al.('425), Rosenberg et al.('961) and Rosenberg et al. ('433)(all three references being referred to collectively as Rosenberg).

Bidot discloses vertical wall elements with each having a planar bottom. The vertical walls are the raised dividers. Bidot discloses the invention except for a bottom surface that has raised dividers. Rosenberg teaches the combination of bottom floor panels with a bottom surface and raised dividers as portions of the bottom surface. It would have been obvious to modify the elements of Bidot so that they have a floor or bottom surface extending from the raised dividers in order to cover the interior bottom surface of the drawer to provide a divider that can be lifted out while holding the organizers contents in each compartment to transfer the items as a whole unit in a segregated manner or to quickly clear out the drawer so that the drawer may hold other items.

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Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosenberg et al.('425), Rosenberg et al.('961) and Rosenberg et al. ('433)(all three references being referred to collectively as Rosenberg) in view of Wilk.

Rosenberg discloses a first element and two second elements. Rosenberg discloses the invention except for the third and fourth elements and a second element that can move in a width as well as a length direction. Wilk teaches four elements wherein the second, third and fourth elements can move in the length and width directions in relation to each other and the first element. It would have been obvious to add third and fourth elements and to replace one of the second elements with the third, fourth and second elements, respectively, of Wilk to provide an organizer that is adjustable to a greater extent since it adjusts in the width direction as well as the length direction. This is motivated by the adaptability to drawers of different width as well as drawers of different length, the device is more useful.

The references applied seem to cover all the disclosed details of applicant's present invention, therefore, **the examiner will not be able to write a patentable claim for applicant.** It doesn't appear that applicant would benefit from the counsel or services of a registered patent practitioner since any claim that could possibly issue would be of such narrow scope that it would offer little to no protection.


Since this is a prose application (no attorney appointed), any response or amendment must be signed by both inventors.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Castellano whose telephone number is 571-272-4535. The examiner can normally be reached on M-Th 6:30-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W. Young can be reached on 571-272-4549. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Stephen J. Castellano  
Primary Examiner  
Art Unit 3727

sjc